



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A GREAT PONDS PERMIT GP 3213

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Clifford and Roberta Singer for Amendment A To Great Ponds Permit GP 3213, finds the following facts:

1. Applicant: Clifford and Roberta Singer
PO BOX 656
Oquossoc ME 04964
2. Date of Completed Application: September 18, 2015
3. Location of Proposal: Rangeley Plantation, Franklin County
Lot 13 on Plan 11 of Rangeley Plt. Property Tax Maps
4. Zoning: (D-RS) Residential Development Subdistrict
(P-WL1) Wetland Protection Subdistrict
5. Affected Waterbody: Mooselookmeguntic Lake

The Commission has identified Mooselookmeguntic Lake as a management class 7, resource class 1A, accessible, developed lake with the following resource ratings: outstanding fisheries resources, outstanding wildlife resources, significant scenic resources, outstanding shore character, outstanding cultural resources.

Background

6. The applicants' 1 acre lot with frontage on Mooselookmeguntic Lake is developed with a single family dwelling, garage and shed. The lake bottom fronting the applicants' lot is very mucky with organic sediment deposited blocking access to the shoreline. Lake water levels are very shallow at this access point, and combined with high wave action and the existing boulder jetty, make access to the shoreline difficult. The lake bottom under the deposited muck and organic debris is cobbly coarse sand with scattered boulders.

Proposal

7. The applicants propose to remove 150 cubic yards of organic material within Mooselookmeguntic Lake in front of their lot to allow for safe access to the shoreline. Most of the organic material is located between the normal high water mark and the low water mark of the lake. The project would commence during a period of low lake water level due to drawdown on this dam controlled flowed lake, which

usually occurs in the fall and winter. The applicants propose to utilize an excavator to complete the dredging of the organic material during a period of low water, such that the excavator would operate below the normal high water mark, but would not enter below the water level of the lake. No work is proposed above the normal high water mark of Mooselookmeguntic Lake.

8. The applicants have submitted an alternatives analysis comparing no dredging, a reduced size of rock relocation area and the proposed alternative of 150 cubic yards of dredging. According to the analysis, not removing any organic material from the site would not allow safe usage from the shore to the lake. Due to the very shallow water depths in the area, all of the organic material proposed to be removed is a hazard at different times during the summer months. The applicants further indicate that the removed organic material will provide replacement fish habitat by allowing the natural rock bottom to be exposed.
9. The applicants have obtained a project permit from Brookfield White Pine Hydro, LLC, the owner of the flowage rights to Mooselookmeguntic Lake.

Review Criteria

10. Under the provisions of Section 10.23,N,3,c,(11) of the Commission's Land Use Districts and Standards, shoreland alterations are an allowable use in a (P-WL1) Wetland Protection Subdistrict upon issuance of a permit from the Commission.
11. Under the provisions of Section 10.25,P,1,c,(3) of the Commission's Land Use Districts and Standards, Tier 3 reviews are required for projects altering any area of P-WL1 wetlands. Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicants request, that the activity will have no adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or the character of the area around the alteration site, elevation differences and hydrologic connection to surface water or other protected resources.
12. Under the provisions of Section 25,P,2 of the Commission's Land Use Districts and Standards, projects requiring Tier 2 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. Projects requiring Tier 2 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project; must comply with applicable water quality standards; must use erosion control measures to prevent sedimentation of surface waters; and must have no unreasonable impact on the wetland being altered.
13. Under the provisions of section 10.25,P,2,e,(2) of the Commission's Land Use Districts and Standards, the Commission may waive the requirement for a functional assessment, compensation or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.
14. Under the Commission's "*Guidelines for Reducing the Level of Tier Review for Permits Involving Wetland Alterations*" (Jan. 1999), Section 6.3, Rock relocation for navigation or swimming in a lake, pond, river, stream or brook may be reduced to a Tier 2 review if:

- Wheeled or tracked machinery will be used below the normal high water mark but above the normal low water mark (of the lake);
- The machinery will not disturb shoreline or lake vegetation;
- No impoundment or jetty will be created;
- Rocks will not be removed from the lake (just moved over);
- Rocks will not be removed from the shoreline.

Review Comments

15. The US Army Corps of Engineers has reviewed the application and did not respond.
16. The Maine Department of Inland Fisheries and Wildlife (MDIFW) has reviewed the application and would like to conduct a site visit.
17. The Maine Natural Areas Program reviewed the application and states that there are no rare botanical features that will be disturbed within the project site. This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.
18. The Maine State Soil Scientist has reviewed the application and has no objections to the subject application. The area to be dredged is pretty well protected from wind and water action so the hay bale barrier proposed to be used in the opening of the protected area should be sufficient to prevent sediment from entering the lake.
19. The facts are otherwise as represented in Amendment A To Great Ponds Permit Application GP 3213 and supporting documents.

Based on the above Findings, the staff concludes that:

1. The proposed rock relocation is allowable with a permit under the provisions of Section 10.23,N,3,c,(11) of the Commission's Land Use Districts and Standards.
2. The proposed dredging is eligible for reduction to Tier 2 review under the provisions of the Commission's "*Guidelines for Reducing the Level of Tier Review for Permits Involving Wetland Alterations*" (Jan. 1999). Specifically, wheeled or tracked machinery will be used below the normal high water mark but above the normal low water mark (of the lake), the machinery will not disturb shoreline or lake vegetation, rocks will not be removed from the lake (just moved over), and rocks will not be removed from the shoreline.
3. The proposed dredging is eligible for reduction to a Tier 2 review under the provisions of Section 10.25,P,1,c,(3) of the Commission's Land Use Districts and Standards. Specifically, the proposed activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources.
4. The proposed dredging meets the requirements for projects requiring Tier 2 review under Section 10.25,P,2 of the Commission's Land Use Districts and Standards. Specifically, there will be no loss of

wetland area, functions and values; no practicable alternative to the project exists; the amount of alteration has been limited to the minimum amount necessary to accomplish the project; the project would not violate any state water quality law; and erosion control measures would be used to prevent sedimentation of Mooselookmeguntic Lake.


5. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, § 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the APPROVES the application of Clifford and Roberta Singer for dredging with the following Conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 04/04), a copy of which is attached.
2. All work must be done when the lake water level is lower than the work area, and when substrates are frozen. Equipment must remain above and not be driven below the water level of the lake.
3. All relocated rocks must be randomly redistributed below the normal high water mark of Mooselookmeguntic Lake and must not form jetties or breakwaters, and shall only be relocated to the extent necessary to form a navigational channel no greater than 25 feet wide.
4. Equipment used to relocate the boulders must be clean and free of external oil, grease and hydraulic fluid, and must not be leaking oil, grease or hydraulic fluid at the time of use.
5. All areas of exposed mineral soil above the normal high water mark of Mooselookmeguntic Lake disturbed by the authorized activity must be promptly stabilized to avoid soil erosion and lake sedimentation.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 6th DAY OF OCTOBER, 2015

By: 
for Nicholas D. Livesay, Director

For office use:

48481
Tracking No.

SAGPWL

32131
Permit No.

\$ 1850.00
Fee Received

Application for Shoreland Alteration Permit

Under Land Use Planning Commission Law
(12 M.R.S.A., SECTION 681 et seq)

1. Name of Applicant: Clifford & Roberta Singer
Mailing Address: PO Box 656 Oquossoc, Maine 04964
Daytime Telephone Number: 207-808-9444

2. If you have an agent, such as your real estate agent, lawyer or contractor acting on your behalf regarding this application, please complete the following authorization:
"I hereby authorize: NA
Mailing Address: NA
Daytime Telephone Number: NA

To act as my legal agent in all matters relating to this Shoreland Alterations Permit Application. I understand that I am ultimately responsible for compliance with all conditions and limitations of any permit issued to me by the Maine Land Use Planning Commission."

Applicant's Signature: Clifford R. Singer / Roberta Singer
Date: 01/26/2015

3. Applicant's status is:
A. X Individual or sole proprietorship (d/b/a):
B. Partnership (Provide names of partners):
C. Corporation (ATTACH, as EXHIBIT A, Certificate of Good Standing)
D. Other Entity (Explain):
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ATTACH, as EXHIBIT B, a copy of your right, title or interest in all of the land associated with your Bridge Construction Permit Application.

ATTACH, as EXHIBIT C, a copy of your submerged lands lease, easement or letters of permission from the owners of any submerged lands to be affected by your proposal.

4. What is the location of the proposed activity?
Name of Township or Plantation: Rangeley Plantation
Name of County: FRANKLIN
Name of Road: STEPHENS ROAD (213) / Tax Map 11 Lot 13 / Lot No. 1 SubDivision "O" Surveyed 11/1965
Franklin County Registry of Deeds in Book 131 1/2 Page 16
Name of Waterbody(s): MOOSELOOKMEGUNTIC

5. Type of Waterbody(s): (Check all that apply)

☐ River, Brook or Stream
☐ Mapped Wetland

☐ Lake or Pond

ATTACH, as EXHIBIT D, a Land Use Planning Commission Land Use Guidance Map, a U.S.G.S. Topographic or equivalent map on which you have clearly marked the location of your proposed activity.

6. What is the zoning of the proposed project site? (Include ALL applicable zones. You should be aware that ALL areas below the normal high water line of any water bodies are zoned (P-WL)

Wetlands Protection Subdistricts) RESIDENTIAL

7. What is the length of your wetland or shore frontage? 100 feet. (Frontage is measured in a straight line between side property boundary lines where those lines meet the shore or wetland boundary.)

8. Is the proposed activity associated with a commercial activity? (e.g. a campground, sporting camp, marina, etc.)
Yes X No

If YES, explain:

9. Describe the present nature of the wetland or shore area (sandy, rocky, mud, marsh, tree growth etc.):
SHORELAND AREA IS RIPRAP / ROCK 2). AREA WITHIN BOUNDARY OF EXISTING JETTY IS BEST DESCRIBED AS
"MUCK" AND HEAVY SILT

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10. Explain, in detail, the activity which you are proposing: (for example: install 12 feet by 100 feet of rock riprap to stabilize eroding shoreline; removal, by hand, of a 10 foot wide strip of rocks below the normal high water line to facilitate the landing of a boat)

DREDGE "MUCK" AND HEAVY SILT WITHIN BOUNDARY OF EXISTING JETTY AND REPLACE
SEVERAL ROCKS THAT HAD FALLEN FROM JETTY AT THE MOUTH OF THE JETTY WHICH ARE
PARTIALLY BLOCKING ENTRANCE TO JETTY. PLEASE SEE PHOTOS OF AREAS AND OUTLINED
AREA PROPOSED FOR DREDGING

CERTAIN PROJECTS MAY REQUIRE REVIEW BY THE COMMISSION AS SPECIAL EXCEPTIONS

These include:

- * filling, grading, draining, dredging, or alteration of the water level in a wetland or below the normal high water line of any body of water;
- * any permanent docking or mooring facilities;
- * installation of utility facilities in wetlands or below the normal high water line of any body of water.

If you are proposing any of these activities, please provide, on a separate sheet of paper attached to this application, the following:

- a) substantial evidence to show there is no alternative site which is suitable for the proposed use and

reasonably available for that use; and

- b) a detailed description of how the proposal will be buffered from other uses and resources with which it is incompatible.

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If you are proposing permanent docking facilities, you must also provide, on a separate sheet of paper attached to this application, demonstration, by substantial evidence that:

- a) It is not feasible to use a temporary docking facility due to unusual or extraordinary conditions of the site; or
- b) In the case of public or institutional activities, a permanent structure is necessary to provide for public safety; and
- c) In the case of commercial or industrial activities, a dock is a necessary accessory structure, and a temporary dock is not feasible or adequate to provide for public safety.

11. What is the purpose of the work to be accomplished (why is the project needed, what will be the use of the area once the project is completed, and similar information):

TO REMOVE BUILD-UP OF ERODED MATERIAL. A PREVIOUS PERMIT ALLOWED US TO PERFORM
THIS DREDGING. BUT DUE TO WATER LEVELS NOT RECEDING WITH PERMIT TIMEFRAME. WORK
WAS NOT ABLE TO BE COMPLETED.

ATTACH, as EXHIBIT E, site plans which show what the project will look like when completed. The site
plans must be drawn to scale and must include both an accurate overhead view and a side view of the
project.

12. What are the dimensions of the total area of shoreline or wetland that will be affected by your proposed activity?
Length along the wetland or shoreline: 0 feet **SHORELINE/EXISTING RIPRAP WILL NOT BE
EFFECTED
Distance from the normal high water line or wetland boundary out into the waterbody or wetland: 50
horizontal feet
Distance from the normal high water line or wetland boundary back landward beyond the shoreline or wetland
boundary: 0 horizontal feet
Maximum height above the bottom of the waterbody or wetland: 0 vertical feet.

13. What equipment do you propose to use **below** the normal high water line or wetland boundary?

EXCAVATOR TO REMOVE ERODED MATERIAL DURING A TIME WHEN THE WATER LEVEL HAS
RECEDED COMPLETELY OUT OF THE BOUNDARY OF THE EXISTING JETTY (NORMALLY IN FALL).

What equipment do you propose to use **above** the normal high water line or wetland boundary?

TRUCK TO HAUL REMOVED MATERIAL AWAY

14. Describe how the project area will be reached by equipment and vehicles required for construction (for example, by an existing road or path, through an area that will be cleared, etc.)? ACCESS IS GAINED USING EXISTING
CONCRETE RAMP

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15. Describe any site preparation that will be required, including access for materials and equipment:

HAIL BALES WILL BE PLACED AT MOUTH OF JETTY ENTRANCE DURING THE TIME WHEN THE
WATER HAS COMPLETELY RECEDED FROM THE BOUNDARIES OF THE JETTY. (NORMALLY FALL)

16. Will the project require the clearing of any trees or other vegetative cover? _____ Yes X No

If yes, explain and indicate the type and amount of clearing anticipated: _____

17. Explain, in detail, the quantity and type of materials that you propose to use in the project, and how those materials are anticipated to be used. APPROX 10 HAY BALES AT ENTRANCE OF JETTY

If fill is to be used, describe type of fill: NO FILL REQUIRED

How much fill do you propose to use? _____ cubic yards

If dredging or removal of materials, describe materials to be removed: HEAVY SILT AND "MUCK"

What is the anticipated volume of material to be removed? ~ 150 cubic yards

Of that material to be removed, what is the anticipated volume of removal from below the normal high water line or wetland boundary? ~150 cubic yards

Where would dredged materials be disposed of? CONTRACTOR TO HAUL AWAY

18. Provide a detailed description of sedimentation and erosion control measures you propose to protect the project site and the area surrounding your project, both during and after construction. (If you need additional space, use a separate HAY BALES WILL BE PLACED AT THE MOUTH OF THE EXISTING JETTY @ 20' HORIZONTAL DURING THE PERIOD WHEN THE WATER LEVEL RECEDES FROM THE BOUNDARY OF THE JETTY.FALL 2015.

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19. Does your proposed project involve the construction or alteration of a dam? ☐ Yes ☒ No
If yes, explain: _____

20. Will any portion of the proposed project be in place on a seasonal basis? ☐ Yes ☒ No
If yes, for how many months each year: _____ months
Explain: _____

21. What is the anticipated starting date of the project? FALL 2015 CONTINGENT ON WATER RECEDING FROM BOUNDARY OF JETTY

What is the estimated completion date? PROPOSED SEPTEMBER-NOVEMBER 2015

22. Is there normally a low water period of the year for the water body on which your project is proposed?
☐ Yes (when): _____ ☒ No
If yes, and your project is not proposed to be undertaken during the normal low water period of the water body, explain why: _____

NA

23. What is the size of your lot? _____ (in square feet if less than two acres.)

24. What type of principal structure is presently on your lot?

☒ Permanent Home ☐ Seasonal or Year Round Camp ☐ Mobile Home
☐ Recreation Vehicle ☐ No structure presently on lot
☐ Commercial Structure (explain)
☐ Other (explain)

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25. When was the principal structure constructed or placed on the lot?

(MONTH AND YEAR - 7/1968)

If a Maine Land Use Planning Commission permit was obtained for the structure, what is the permit number? _____

26. Are there any structures presently existing along the shoreline? X Yes _____ No JETTY/RIPRAP

If yes, describe, and provide date(s) of construction or installation:

27. What is the estimated cost of your proposed project? \$ 2000 PERMIT + \$2500 DREDGEING WORK

ATTACH, as Exhibit F, a series of recent photographs of the site which show your property and the wetland or shore frontage as it presently exists.

28. State any additional facts regarding this application that you feel may further explain your proposal or assist the Commission in its review of your application. (If you need additional space, use a separate 8 1/2" by 11" sheet of paper.) PLEASE SEE ATTACHED

Note: The Maine Land Use Planning Commission may require, in certain cases, additional information not encompassed by this application.

I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true, accurate and complete. I understand and acknowledge that I am responsible for compliance with all conditions and limitations of any permits issued to me by the Maine Land Use Planning Commission.

Signature: _____

Date: _____

Clifford R. Singer / *Robert A. Singer*
1/26/2015

If you have any questions, please call (207) 287-2631.

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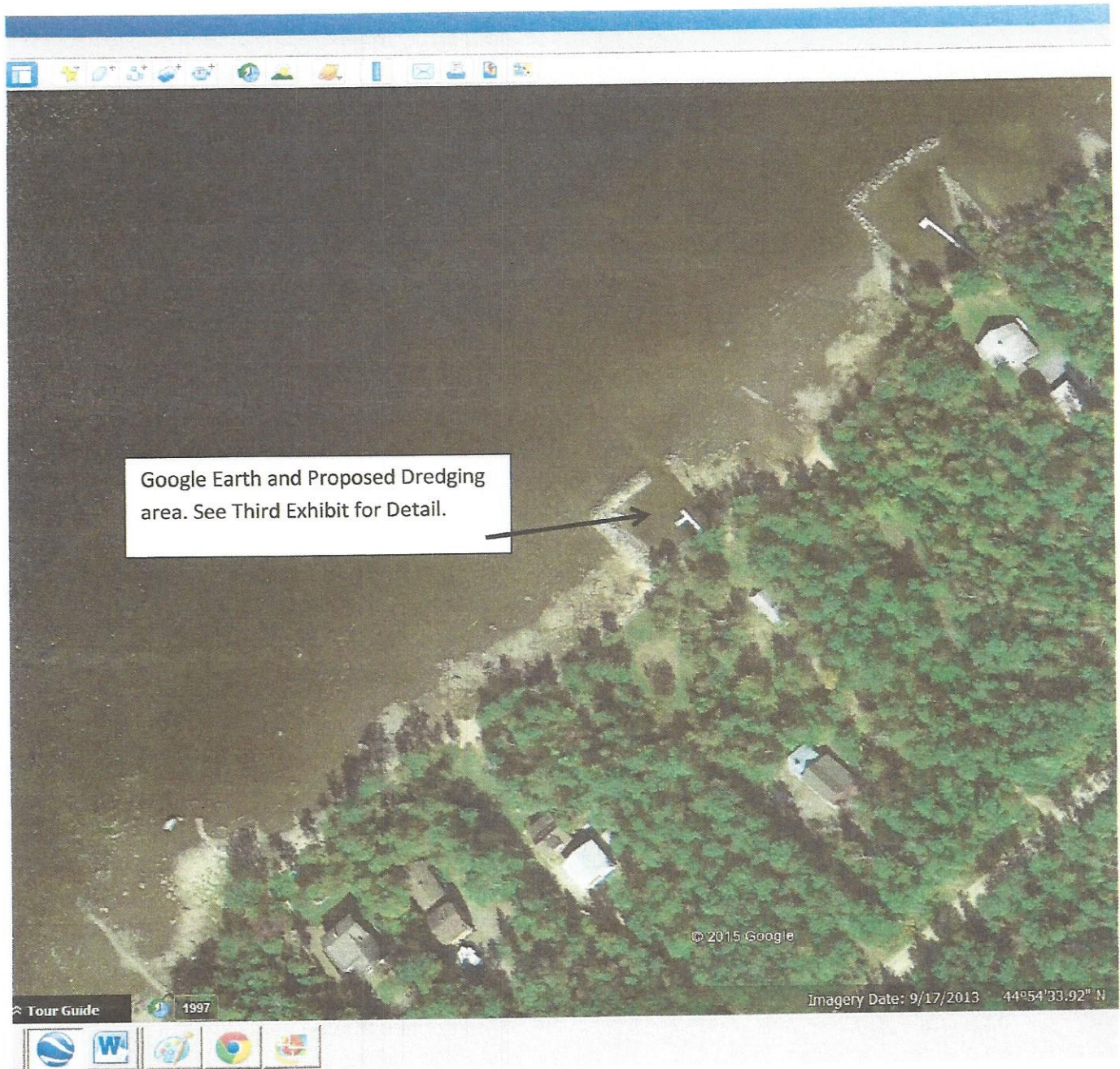


EXHIBIT 2

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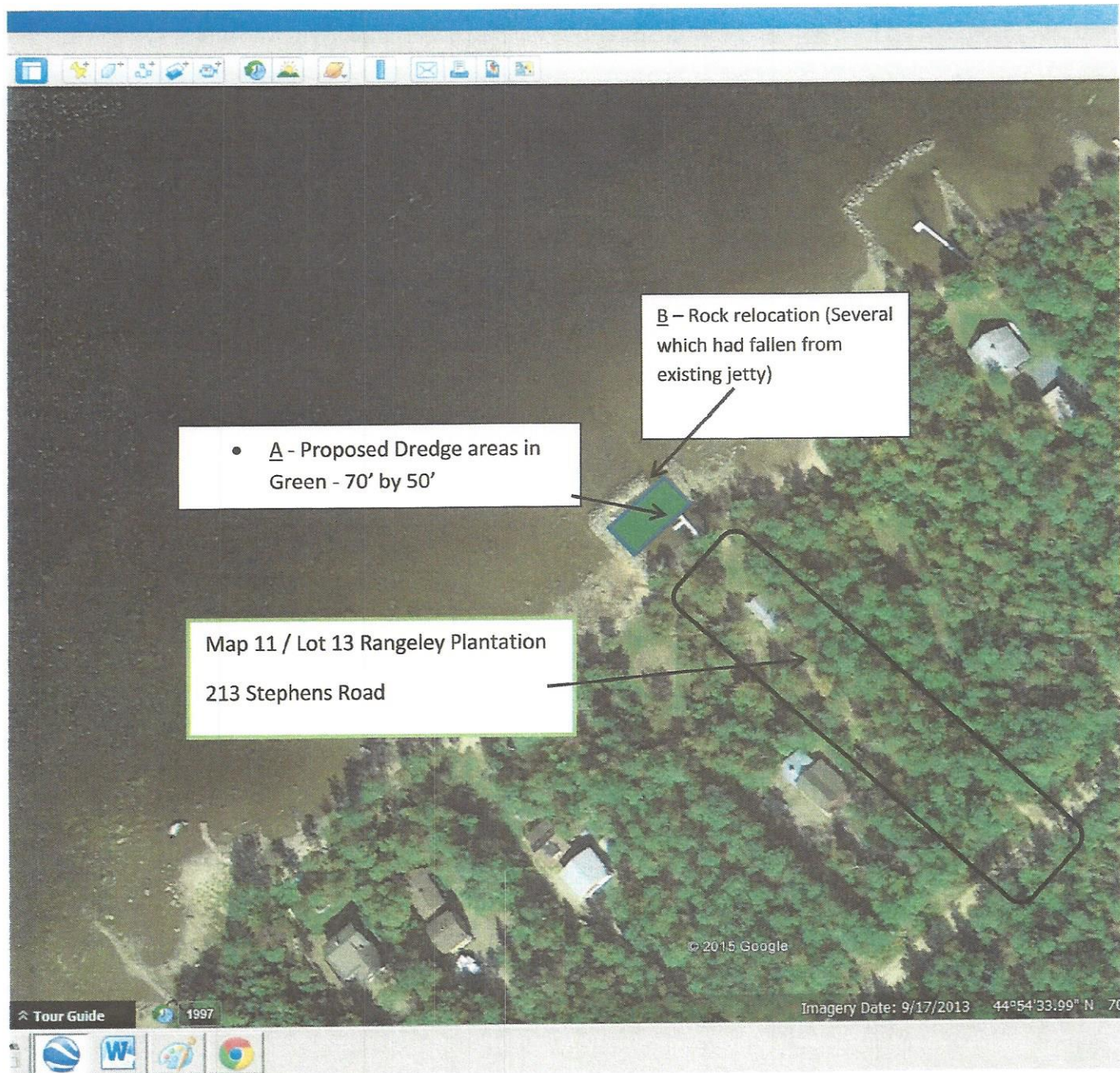


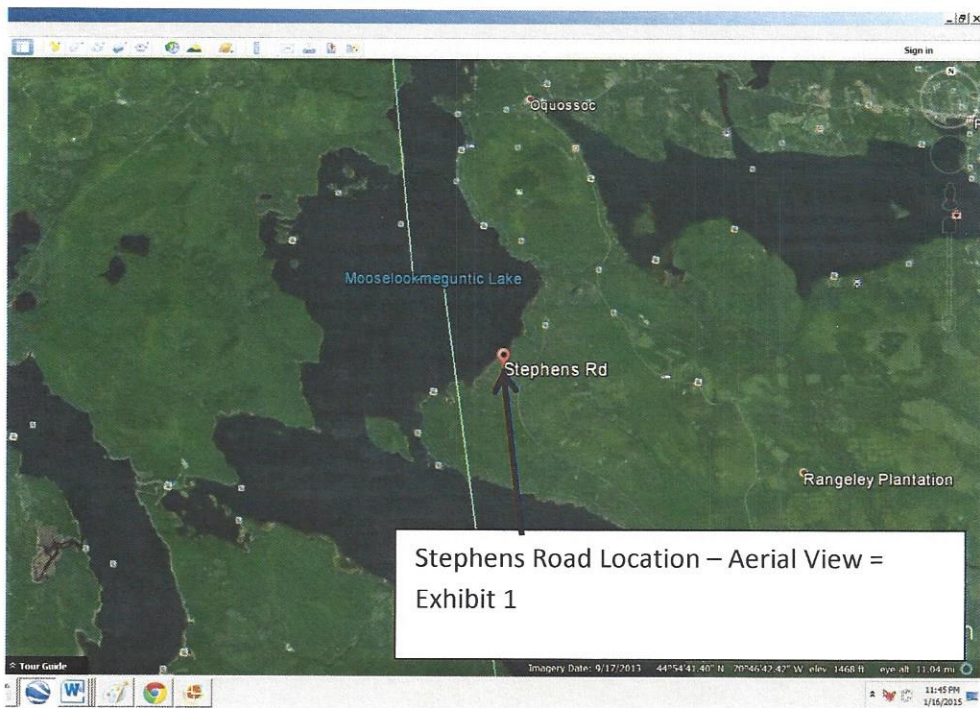
EXHIBIT 3

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Normal receded water from Boundary of Jetty which occurs in Fall Season.
This was taken in the Fall of 2014 during which water level is normally drawn down.



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Stephens Road Location – Aerial View =
Exhibit 1

Exhibit 1

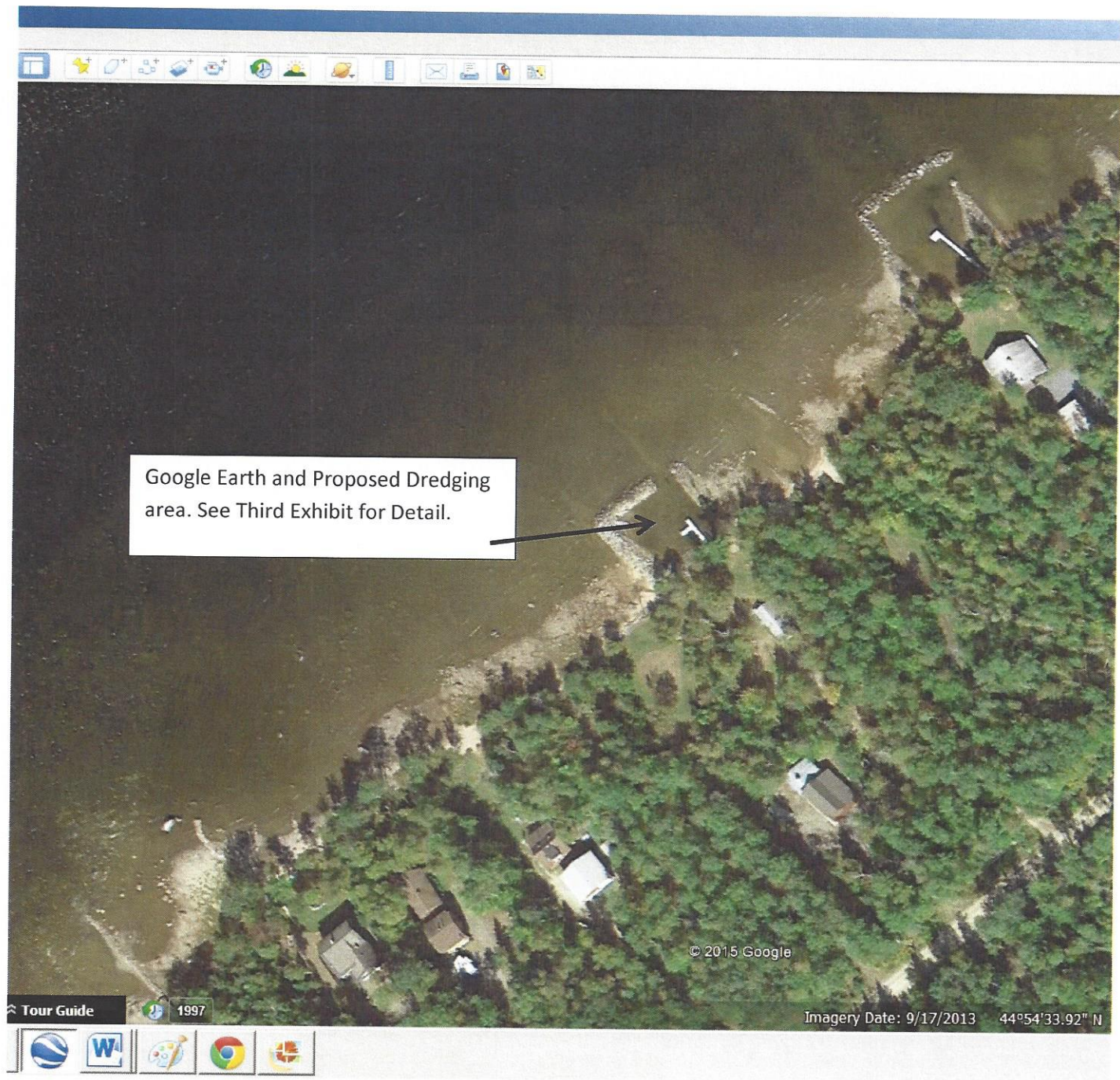


Exhibit 2

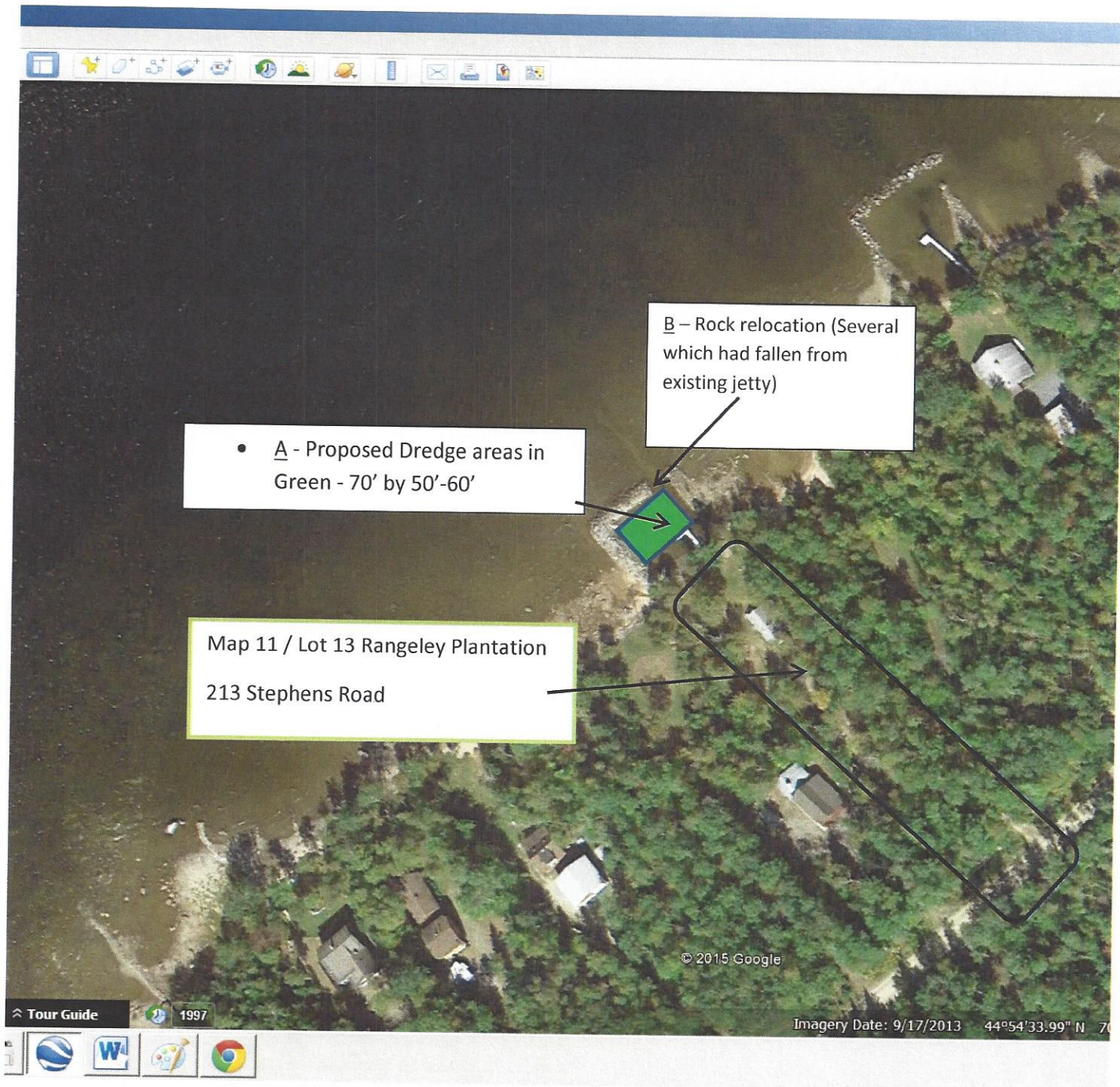


Exhibit 3b

Normal receded water from Boundary of Jetty which occurs in Fall Season.
This was taken in the Fall of 2014 during which water level is normally drawn down.



Addendum for Wetland Alternations

Please reference Exhibits 1, 2 and 3b which illustrate the exact area for dredging. If approved, the project work is proposed to begin only when the Lake has receded past the jetty boundaries (normally 200-300 feet beyond the outer Jetty wall), and there is no risk of sediment flowing into the Lake however, Hay Bales will be placed at the mouth of the Jetty to further mitigate this issue.

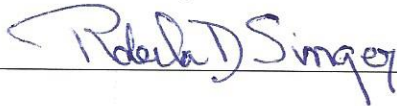
The MUCK removed will be trucked away from the Lake and has been discussed and proposed per permit application via our contractor.

Signed:

Clifford R. Singer

A handwritten signature in black ink, appearing to read "Clifford R. Singer", written over a horizontal line.

Roberta D. Singer

A handwritten signature in blue ink, appearing to read "Roberta D. Singer", written over a horizontal line.

213 Stephens Road
Rangeley Plantation, Maine, 04970
PO Box 656
Oquossoc, Maine, 04964
207-808-9444